S.B. CIVIL WRIT PETITION NO.2900/2007
Smt. Shanti Devi
Vs.
State of Raj. & Ors.

DATE OF ORDER : 21.5.2007

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

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Shri Rajeev Surana for the petitioners.
Shri Lokesh Sharma with
Shri Norang Lal Saini for the respondents.

Heard learned counsel for the petitioner.

The petitioner, in this case, has challenged the motion of No-confidence carried out against him on 5.4.2007. Challenge has been made on two grounds. Firstly, the notice of motion of No-confidence was issued on 21.3.2007 in which the date of meeting was fixed as 5.4.2007. And secondly, the members were forced into voting in favour of the motion.

Learned counsel has argued that in terms of sub-rule (2) of Rule 21 of the Rajasthan Panchayati Raj Rules, 1996, such a notice was required to be sent not less than fifteen clear days before the date of meeting. On perusal of sub-rule (2) of Rule 21, it appears that notice of meeting was required to be sent by the Chief Executive Officer/Development Commissioner by post under certificate of posting not less than fifteen clear days before the date of meeting, and accordingly the date of meeting being 5.4.2007, the period of fifteen days would start running from the date of issue of notice till one day before the date on which the meeting was fixed. In this manner, there were 11 clear days (from 21st to 31st of March) and 4 clear days of April. Fifteen days were thus completed before the date on

which the meeting was held.

It is then submitted that those who voted in favour of motion of No-confidence were forced to vote in favour of the motion and seven of the members have filed their affidavits to this effect. Such an argument cannot be entertained, for, if that were to be accepted, every case in which motion of No-confidence is carried out, affidavits of those who may have voted for or against the motion, asserting otherwise would become order of the day and no sanctity, nay, finality would be attached to such proceedings.

I, therefore, do not find any merit in either of the arguments. The writ petition is therefore dismissed.

(MOHAMMAD RAFIQ),J.

Skant/-